

*Testimony of Beth Baker  
Before the Joint Appropriations Subcommittee on Judiciary, Law Enforcement and Justice  
February 6, 2009*

I come today to urge your support for funding of the Self Help Law and Pro Bono Program in the full amount proposed by the Supreme Court.

I currently serve on the Board of the Montana Justice Foundation and the State Bar's Access to Justice Committee, and I have been involved with equal justice efforts in Montana for well over a decade. This program, with just two FTE, has accomplished more in one full year of operation than all of our volunteer efforts combined.

At \$600,000 for the biennium, this program is just over one percent of the Judiciary's entire budget, but it is not an exaggeration to say it has served more individual Montanans than most programs with many times the budget. This small amount of money has been leveraged several times over to reach broadly throughout the state.

I especially want to emphasize today the importance of the pro bono coordination component of the program. This piece was originally funded by a grant from the Justice Foundation, but that grant money will not be there this year. We rely on Interest On Lawyer Trust Accounts (IOLTA) for the vast majority of grant funds, and with the current state of the economy, those interest revenues have plummeted. Even our grant funds to direct service providers will be cut severely this year.

Pro bono work cannot be separated from the self help center. Both are equally important as part of a continuum of legal services. As you've heard, the self help program provides forms, instructions, classes, and basic information about court procedures. But many legal problems cannot be addressed without some advice or assistance from a licensed attorney. In many situations, nothing can substitute for face-to-face communication with someone who understands the law and is trained to navigate the system.

Without a system in place to match up volunteer lawyers with those individuals for whom the written forms and instructions aren't enough, access to justice is still a hollow promise. It's like doing all the training, warm-ups, practice, and getting suited up for the Super Bowl only to find that you have no coach and no game plan. These are integral pieces of one process.

The Pro Bono Coordinator does not "run" a Statewide pro bono program. Pro Bono programs are local. She develops and works with those local programs so they have the tools to recruit and train volunteer lawyers and get them referred to clients in need. She also does much more, including working with the judiciary and developing program training materials and other resources for use by pro bono attorneys.

This leads me to my final point, which is the importance of having this program housed in the Supreme Court, both for getting judges involved and for getting lawyers involved.

- Last year, Access to Justice forums were organized by Patty Fain in six different communities across the state. Every one was attended by supreme court and district court judges, as well as legislators and local community leaders. Her efforts and affiliation with the Court made that happen.
- Those forums have spawned more networking. The Billings-based Crowley Fleck law firm is hosting a meeting in Billings this month of some of the

service providers who attended the forum to identify needs and prioritize what they could do with pro bono legal services.

• Lawyer involvement is far greater with court-based programs.

By law, the Supreme Court is the leader of the legal profession. The Court supervises the practice of law in Montana, and it is up to the Court to take the leadership role on pro bono service. When the courts get involved, lawyers participate.

The objectives of this program are to help community programs get more lawyers involved, to help lawyers become better trained volunteers, and to find more ways to match volunteer lawyers with clients in need. We have a great start on accomplishing those objectives, but it needs to be somebody's job to move the process along.

In conclusion, to my knowledge, this is the only funding the State of Montana has ever provided for access to the civil justice system. It is the barest of bare-bones support, but it truly is a model for other programs, because it is not government solving people's problems, it is government providing people the tools to solve their own problems. The program is an unqualified success, it has proven results, and it needs to be sustained.